

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DONOVAN MEADOWS, #01826622,

Plaintiff,

V.

LORIE DAVIS, et al.,

Defendant.

Case No. 6:20-cv-323-JDK-JDL

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE


This action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On October 22, 2020, the Magistrate Judge issued a Report and Recommendation (Docket No. 19), recommending that Plaintiff's motion to voluntarily dismiss pursuant to Federal Rule of Civil Procedure 41(a)(1) (Docket No. 14) be granted and that Plaintiff's case be dismissed without prejudice.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for

clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 19) as the findings of this Court. It is therefore **ORDERED** that Plaintiff's motion to voluntarily dismiss his action pursuant to Federal Rule of Civil Procedure 41(a)(1) (Docket No. 14) is **GRANTED**. It is further **ORDERED** that Plaintiff's suit is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(a)(1). All pending motions not previously ruled upon as **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **24th** day of **November, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE